DOCUMENT RESUME

ED 354 636 EA 024 722

| | |
|---|---|
| TITLE | Redefining the Federal Role in Elementary and Secondary Education: Reauthorization of the ESEA. Updated. CRS Issue Brief. |
| INSTITUTION | Library of Congress, Washington, D.C. Congressional Research Service. |
| PUB DATE | 3 Dec 92 |
| NOTE | 18p. |
| PUB TYPE | Reports - Evaluative/Feasibility (142) |
| EDRS PRICE | MF01/PC01 Plus Postage. |
| DESCRIPTORS | *Educational Policy; *Elementary Secondary Education; *Federal Aid; *Federal Programs; *Government Role; Special Education; Student Development |
| IDENTIFIERS | Congress 103rd; *Elementary Secondary Education Act |

ABSTRACT

The Elementary and Secondary Education Act (ESEA) of 1965 is the primary law authorizing most federal aid to elementary and secondary schools and is up for reauthorization during the 103rd Congress. Major ESEA programs provide assistance in four areas: to help meet the special educational needs of disadvantaged or limited English proficient pupils; to improve instruction of mathematics, science, and drug abuse prevention; to encourage innovation in instructional techniques; and to provide aid through block grants for supplementary resources and services. A total of $8.6 billion has been appropriated for ESEA programs for FY1993. Almost 80 percent of this was appropriated for the Title I, Chapter 1 programs for educating disadvantaged children. Several areas may be considered during reauthorization of the ESEA: the federal role in developing national and state school curriculum and assessment standards, funding to schools with poor or other high-need students, educational innovation and restructuring, and reduced federal regulation in exchange for greater accountability. School choice has also been a controversial reform proposal. Lastly, improving the readiness of students to enter the work force is a subject of debate. A list of additional readings is included. (JPT)

**********
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
**********

EA

Order Code IB92130

# CRS Issue Brief

ED354636

# Redefining the Federal Role in Elementary and Secondary Education: Reauthorization of the ESEA

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
✓ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

Updated December 3, 1992

by

The Education Section
Education and Public Welfare Division

CRS

Congressional Research Service • The Library of Congress

EA 024 722

BEST COPY AVAILABLE

## CONTENTS

SUMMARY

BACKGROUND AND ANALYSIS

- The Elementary and Secondary Education Act and the Federal Role in Elementary and Secondary Education

- Probable Reauthorization Issues
  - Curriculum Standards and Assessments
  - More Resources for High Need Pupils and Schools
  - Innovation and Restructuring
  - Flexibility and Accountability
  - School-to-Work Transition
  - Choice
  - Competitiveness

- Reauthorization Issues Regarding Specific ESEA Programs

LEGISLATION

FOR ADDITIONAL READING

# Redefining the Federal Role in Elementary and Secondary Education: Reauthorization of the ESEA

## SUMMARY

Most Federal aid for elementary and secondary education is authorized under the Elementary and Secondary Education Act (ESEA) of 1965. The 103rd Congress will consider legislation to revise and extend the ESEA.

Major ESEA programs provide assistance primarily for 4 purposes: to help meet the special educational and related needs of disadvantaged or limited English proficient (LEP) pupils; to improve instruction in subject areas of special national concern, such as mathematics, science, and drug abuse prevention; to support the development and adoption of innovative instructional techniques; and to provide aid through a "block grant" for supplementary resources and services selected by State and local educational officials. A total of $8.6 billion has been appropriated for ESEA programs for FY1993. Almost 80% of this was appropriated for the Title I, Chapter 1 programs of education for disadvantaged children.

Congress has not yet begun active consideration of ESEA reauthorization legislation, but several issues that likely will be debated in this process can be identified. These issues arise from current educational reform efforts and evaluations of current ESEA programs, or are major issues regarding the Federal role in elementary and secondary education that were actively considered, but not resolved, at the end of the 102nd Congress.

The ESEA may be amended to provide broader and more explicit Federal support for the ongoing development and certification of national and State curriculum standards and a system of assessments tied to the standards. Key concerns are what is the proper role for the Federal Government in this process, and whether national school delivery standards should be adopted to assure that pupils have an adequate "opportunity to learn." The latter issue also is the basis for likely proposals to target greater resources on schools and local educational agencies (LEAs) with large numbers of poor or other high need pupils. This might take the form of greater targeting of Chapter 1 grants, or adoption of new programs focused on areas of concentrated poverty.

The current resurgence of interest in educational innovation and restructuring probably will be reflected in the ESEA reauthorization, as will proposals to reduce the regulation of Federal education programs in return for greater accountability expressed in terms of pupil outcomes.

ESEA reauthorization proposals may be anticipated that focus increased aid on secondary school students, especially improving the transition from school to work for those who do not intend to enter a 4-year college.

The forthcoming debate on the ESEA may include proposals to increase parental choice of schools, including private schools. However, it is unlikely that the Clinton Administration will continue the Bush Administration's proposals for choice programs including private schools.

Finally, debate over reauthorizing the ESEA may focus on the role of education in enhancing the competitiveness of the U.S. economy. While all ESEA programs may relate to this concern, it might lead especially to efforts to expand support of mathematics, science, and foreign language education.

## Current Situation

Most Federal aid for elementary and secondary education is authorized under the Elementary and Secondary Education Act. The 103rd Congress will consider legislation to revise and extend the ESEA.

## BACKGROUND AND ANALYSIS

### The Elementary and Secondary Education Act and the Federal Role in Elementary and Secondary Education

Most Federal aid for elementary and secondary education is authorized under the Elementary and Secondary Education Act (ESEA) of 1965. The most recent major amendments to the ESEA were adopted in 1988, in the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, P.L. 100-297. Most ESEA programs are explicitly authorized through the end of FY1993, although an automatic extension through at least FY1994 has been applied to these. The 103rd Congress will consider revising and extending the ESEA.

This issue brief provides first a general description of the current provisions of the ESEA and the overall Federal role in supporting elementary and secondary education. This is followed by a description and analysis of major issues that are likely to influence Congress' consideration of the ESEA. Next, issues likely to be considered with respect to major individual programs of the ESEA are reviewed. The issue brief concludes with information on current legislation, when available, plus references for further information on the ESEA, its programs, and reauthorization issues.

Major ESEA programs provide assistance primarily for 4 purposes:

- to help meet the special educational and related needs of targeted pupil groups, especially low achievers living in relatively low income areas, who have limited English language proficiency, or who are affected by racial isolation;
- to improve instruction in subject areas of special national concern -- e.g., mathematics, science, and drug abuse prevention;
- to demonstrate, evaluate, and disseminate information about innovative educational approaches; and
- to provide aid through a "block grant" to support supplementary resources and services selected by State and local educational officials.

A total of $8.6 billion has been appropriated thus far for ESEA programs for FY1993. Almost 80% of this was appropriated for the Title I, Chapter 1 programs of education for disadvantaged children. Most ESEA funds are allocated by formula, at least to the State level, although many smaller programs distribute their funds on a competitive basis. The following table lists **major** ESEA programs and their FY1993 funding level.

BEST COPY AVAILABLE

| Table 1. Major ESEA Programs and Their FY1993 Appropriations | |
|---|---|
| Major Programs | FY1993 Appropriations (in $1,000s) |
| Title I, Chapter 1 -- Education for the disadvantaged | $6,825,846 |
| Title I, Chapter 2 -- Block grant | 435,488 |
| Title II, part A--Eisenhower mathematics and science education programs | 275,478 |
| Title III -- Magnet schools | 108,029 |
| Title V -- Drug abuse education | 598,367 |
| Title VII -- Bilingual education | 196,465 |
| Other ESEA programs not listed above | 164,526 |
| | |
| Total ESEA | $8,604,199 |

The aggregate Federal role in elementary and secondary education can be described from several perspectives. The financial role is typically analyzed in terms of the share of revenues for public elementary and secondary education that come from the Federal -- as opposed to State and local -- government. This Federal share is quite small overall, only about 6.1% for 1989-90, down from a peak of 9.8% in 1979-80. However, the Federal share of revenues for individual States was as high as 15.5% in 1989-90, and even higher for particular local educational agencies (LEAs). Generally, the States and LEAs with the highest Federal share of revenues are those with high poverty rates, since Chapter 1 funds (80% of the total) are distributed primarily on the basis of counts of children in poor families, and such areas generally have less income or wealth that their State and local governments can tax.

However, there are several other aspects of the Federal role in elementary and secondary education. Federal support for educational research, demonstration, and dissemination projects has broader effects than would be indicated by the relatively small amount of funds appropriated for them, as innovations are often copied by States or LEAs throughout the Nation. The Federal Government's emphasis on disadvantaged pupils -- e.g., disabled, limited English proficient (LEP), or racial minority pupils -- through both aid programs and enforcement of rights established by Federal statutes or courts, draws widespread attention, and sometimes resources, to these pupils' needs. State and local efforts on behalf of these students are often federally mandated.

Finally, we have seen in recent years the emergence of a potential new Federal role. This would involve the establishment of national curriculum standards, and State or regional assessments based on these, through organizations and processes that are supported by the Federal Government, although **not** governed or substantially controlled by it. (This topic is discussed in more detail later.) A key element of this emerging Federal role is the set of **National Education Goals**, adopted by President

Bush and the Nation's Governors in 1990. These Goals are that, by the year 2000 --

- all children in America will start school ready to learn;
- the high school graduation rate will increase to at least 90%;
- American students will leave grades 4, 8, and 12 having demonstrated competency in challenging subject matter including English, mathematics, science, history, and geography;
- U.S. students will be first in the world in science and mathematics achievement;
- every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship; and
- every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning.

## Probable Reauthorization Issues

Active consideration of legislation to reauthorize the ESEA will begin early in the 103rd Congress. Thus far, no such legislation has been introduced, nor has the U.S. Department of Education (ED) submitted reauthorization proposals. Therefore, we have identified **probable** reauthorization issues primarily on the basis of long-term debates over the ESEA programs, current national debates over the direction for education reform, as well as more recent deliberation over Federal elementary and secondary education legislation. The primary focus of the latter was S. 2, the Neighborhood Schools Improvement Act, versions of which were passed by the House and Senate, but not enacted, during the 102nd Congress. While several of these issues bear a direct relationship to one or more current ESEA programs, others do not. However, the ESEA has incorporated new programs and policies with each reauthorization, so it is quite possible that legislative provisions addressing each of these issues, and others not yet identified, will be considered as Congress revises the ESEA.

### Curriculum Standards and Assessments

Among the hallmarks of current school reform efforts is the coupling of curriculum content standards with new student assessments. Curriculum content standards would identify the significant knowledge and skills that students should acquire from the curriculum in each of the core school subject areas. Content standards and assessments are being developed and applied at both the national and State levels in an attempt to raise student achievement, and measure changes in achievement. Adoption in 1990 of National Education Goals gave impetus to such efforts, particularly at the national level. Many policymakers and educators assert that making progress toward the Goals requires (1) a national determination of the skills and knowledge students should master in each subject area, i.e., curriculum content standards; and (2) a process of assessing whether students have mastered those standards.

Many efforts are currently underway to develop national curriculum standards in the major subject areas, most with Federal financial support. Proponents stress that **national**, not **Federal**, curriculum standards are the objective. These efforts are being directed by professional groups of subject matter specialists, who are attempting to reach a broad-based, national consensus about the standards. To date, curriculum standards have actually been set only in mathematics, through work of the National Council of Teachers of Mathematics (NCTM).

National efforts to create new assessments are also in progress. Although there have been proposals for development of a single, national examination, most work is proceeding on the assumption that a **system** of different assessments administered at the State or regional levels would be created. Some have argued that the federally funded National Assessment of Educational Progress (NAEP), the only current testing program of national achievement among elementary and secondary students, should be the linchpin of any national system to assess progress toward the Goals.

Defining a Federal role in the area of standards and assessments remains unfinished business despite substantial debate by the 102nd Congress, and current Federal funding of some of these efforts. The National Council on Education Standards and Testing, established by Congress, called for creation and certification at the national level of curriculum content standards, student performance standards (defining acceptable levels of student achievement), and criteria for a national, voluntary, system of assessments. It also recommended that States establish school delivery standards (gauging whether students had the "opportunity to learn" the standards being tested).

The 102nd Congress considered, but failed to enact, legislation (S. 2) that would have supported State efforts to set goals, standards, and assessments. Further, the legislation delineated procedures for development and certification of national curriculum content standards, national school delivery standards, and model assessments. School delivery standards, according to proponents, needed to be national because students would be instructed in curricula aligned with **national** standards and might be assessed on a **national** basis; therefore it should be determined on the basis of national standards whether pupils had an adequate "opportunity to learn."

The 103rd Congress is also likely to consider questions about curriculum standards and assessments related specifically to the ESEA. These questions might include the following: Do national and State-level efforts to set curriculum standards and develop assessments complement or conflict with current ESEA programs? To what extent should ESEA programs support, and be integrated into, these national and State efforts? Could a system of curricular standards and assessments be the framework for holding Federal aid recipients accountable for student outcomes? Should ESEA programs provide greater support to the professional development of teachers who will be teaching new curricula developed under the standards?

## More Resources for High Need Pupils and Schools

In recent years, increased attention has been devoted to the wide-ranging educational and related needs of disadvantaged pupils. This has resulted from a recognition of demographic changes -- e.g., increased rates of immigration, more LEP pupils, high rates of poverty for families with young children, etc. -- as well as renewed attention to large differences in education funding levels per pupil among LEAs in

several States, as well as among different States. The relatively ambitious nature of the National Education Goals -- implying that substantial resources may be necessary to meet them -- have also focused attention on disparities in education funding. As noted above, many are concerned that new pupil assessments, related to the Goals and based on national curriculum standards, will be unfair to pupils whose school systems have not provided an adequate "opportunity to learn."

Court suits have recently challenged school finance systems in about one-half of the States. In general, these suits charge that State school finance systems rely upon local property and other taxes to such an extent that pupils in LEAs with relatively few taxable resources are seriously disadvantaged. Low wealth LEAs are able to raise fewer funds locally than more affluent LEAs, even if their tax rates are higher. While most State school finance systems have programs intended to offset these disparities, they are usually only partially effective. Large differences in funding per pupil remain, especially if the greater costs of educating disadvantaged pupils is taken into account. (For more information on school finance issues, see CRS Report 90-322 EPW, *Expenditures in Public School Districts: Why Do They Differ?.*) Debate over ESEA reauthorization will likely focus on additional ways that the Federal Government can help equalize funds and resources among LEAs. The concern over resources for high need schools or LEAs will also likely focus on increasing the targeting of the Chapter 1 program, under which aid is distributed primarily on the basis of poor child counts, but is spread rather broadly -- e.g., over 70% of all public elementary schools participate in Chapter 1.

Demographic changes in the pupil population have also lead to rising interest in using schools as a hub for providing "**comprehensive services**" to high need pupils and even their families. In particular, children living in areas of concentrated poverty often have special needs not only in education but also health, nutrition, housing, and other social services. School systems in several LEAs are attempting to coordinate the delivery of these services, through either referrals or the provision of services at the school site. In this way, the schools are trying to remove non-educational barriers to educational achievement, and to ease the way for pupils and families through a sometimes bewildering array of local social service agencies, with differing eligibility and other criteria. It is likely that proposals will be offered to amend the ESEA to support either demonstrations of effective ways for schools to coordinate comprehensive services to their pupils, or perhaps to pay for some services under programs such as Chapter 1, if adequate funds are not available from other sources.

## Innovation and Restructuring

Interest in various forms of educational innovation has grown in recent years. Adoption of the National Education Goals has stimulated thought about whether and how our school systems should be changed to meet them. For several years, educational reform efforts have focused on "restructuring" schools or systems through such techniques as school-based management, or outcome-based assessment and accountability. The Bush Administration heavily promoted school-based innovations, emphasizing support of "break the mold" schools through such organizations as the privately-funded New American Schools Development Corporation (NASDC). The rapid development of electronic and other new instructional technologies creates opportunities to revise school operations and teaching techniques. Finally, interest in innovation has spread beyond specific school settings or instructional techniques to a broader focus on LEA-

or State-wide "systemic reform." All of these trends might lead to proposals for greater emphasis on innovation or restructuring in a revised ESEA.

**Model Schools**

Some are proposing support for "model" schools that would display the process and effects of education reform in individual classrooms or school sites. The expectation is that model schools or programs would inspire imitation by other schools. Further, they posit that reform at the level of the individual school is most needed and will directly affect the performance of students. A key ingredient in the Bush Administration's AMERICA 2000 proposal was support for "break the mold" schools. NASDC, a private, nonprofit organization, has awarded grants to 11 research and development teams for an initial 12-month effort to develop designs for New American Schools. According to the NASDC's plans, designs with the best prospect for success will be eligible for additional support for implementation, and dissemination. Concern about the potential for success of this approach centers on whether school-based reform can be sustained and replicated without change in, and support from, the educational systems at the local and State educational agency levels.

The ESEA currently has several programs supporting innovations, although these typically affect only selected subject areas or instructional techniques, not schoolwide operations as envisioned by the proponents of model schools. Possible exceptions are magnet schools and Chapter 1 schoolwide plans, that are described in later sections of this issue brief. The Congress might consider modifications to the ESEA to demonstrate, evaluate, or disseminate additional model school experiments.

**Systemic Reform**

Another strategy proposed to help the Nation meet the National Education Goals is systemic reform. This was a key element of S. 2 in the 102nd Congress. This concept encompasses five components that should be pursued simultaneously, at least with respect to a particular subject or level of education (see CRS Report 91-794 EPW, *The Neighborhood Schools Improvement Act, H.R. 3320: Summary and Analysis*). The primary features of systemic reform are establishment of ambitious educational goals and expectations that apply to all children; development of curricular frameworks -- descriptions of the knowledge and skills pupils should acquire at each grade level in a particular subject area -- that are based on the goals; identification or development, and use, of high quality instructional materials that are based on the curricular frameworks; creation and implementation of pupil assessment systems that are directly based on the curricular frameworks, employ a variety of techniques and measures, and are fair, reliable, and valid; and institution of professional development programs to enable teachers, administrators, and other school staff to understand the curriculum and effective ways of instructing pupils in it. Some States are currently attempting to adopt one or more elements of this systemic reform strategy. A frequently cited example is Kentucky which, in response to a State Supreme Court ruling on its school finance system, has overhauled its entire system for elementary and secondary education.

No current ESEA provision directly addresses LEA- or State-wide systemic reform. Given the high degree of interest in this concept, there will likely be proposals to add some form of support for systemic reform to the ESEA, with possibilities ranging from

technical assistance to long-term financial aid. Support for development of educational standards and assessments might also aid systemic reform efforts, since clarification and reform of goals, standards, and assessments are key elements of this process.

## Flexibility and Accountability

Another theme of recent Federal school reform proposals is providing greater flexibility to LEAs in utilizing Federal resources. Increased flexibility is intended to remedy potentially undesirable, inadvertent effects of current Federal education programs. These effects may include fragmentation of services to children, inefficient use of resources, partial treatment of the needs of children, and instruction of pupils with special needs in separate settings.

Under recent proposals, flexibility would be granted to LEAs through the waiving of Federal program regulations. In exchange for regulatory waivers, LEAs would be required to satisfy alternative forms of accountability to ensure that the special needs of educationally disadvantaged children and other intended beneficiaries of Federal aid are met. The focus of the alternative forms of accountability is on pupil outcomes -- i.e., demonstrating that pupils have acquired the skills or knowledge desired. One of the principal challenges of granting increased flexibility is determining alternative forms of accountability adequate for monitoring program outcomes.

In the 102nd Congress, S. 2 would have authorized a regulatory flexibility demonstration program involving approximately 200 LEAs and 750 schools nationwide. Its accountability provisions would have required LEAs to establish educational improvement goals, including indicators of student progress tied to the National Education Goals. Participating LEAs not achieving satisfactory progress toward meeting their improvement goals would lose the waivers granted to them.

In the long term, alternative forms of accountability might be based on national curriculum standards and assessments (see above). Until such standards and assessments are developed, accountability might be based on agreements that incorporate a variety of assessments instruments developed or adopted by the States, with the approval of ED, or on non-test indicators of educational achievement (e.g., grades, high school completion rates, etc.). However, the lack of consistent assessments that are certifiably tied to national curriculum standards remains a "weak link" in proposals to trade existing forms of Federal program regulation for outcome-based standards to determine whether Federal funds are being properly used.

## School-to-Work Transition

There is increasing concern about those students who pursue little or no formal education beyond high school. Perhaps the most serious concern is that "entry-level" workers with a high school education or less have experienced real decreases in their wages (adjusting for inflation) since the 1970s. Another concern is the difficulty that "non-college" bound youth face in moving from school to the adult workforce. Most high school students work, but their jobs are usually low-skill, low-wage, and intermittent. It can take years for young adults to move into real careers, and some never do. Among the possible causes of these problems are skill deficiencies, especially in academic areas; low student motivation in high school; increases in job-skill requirements that magnify the problem of high school skill deficiencies; and the

paradox that high school students possibly do not pursue training for some high wage occupations even while there are shortages of workers in those occupations.

During the ESEA reauthorization, possible legislative considerations could include the following: amending ESEA programs to add components dealing with the transition from school to work; amending other programs to deal with these problems; and authorizing new programs. Congress might consider amending the Chapter 1 program to encourage more services to high school students. Chapter 1 funds have been concentrated on basic skills in elementary and middle grades. Funds targeted to high schools could help improve academic skills of eligible students. In addition, Chapter 1 could be linked to Tech-Prep (see below) to provide high school academic components for eligible students in those programs. Congress might also consider amending non-ESEA programs such as Tech-Prep, which is authorized under the Carl D. Perkins Vocational and Applied Technology Education Act. Tech-Prep aims to improve high school technical instruction and link high school and postsecondary learning. Tech-Prep could be modified to strengthen links to the workplace, for example, by requiring that program planning be done in conjunction with business and union leaders. The legislation could mandate that Tech-Prep programs incorporate work experiences such as apprenticeships.

Finally, Congress might consider authorizing new programs to improve school-to-work transition. Perhaps the most discussed new Federal initiative is youth apprenticeships, which link learning in school with on-the-job training and work experience. In addition to teaching skills for a specific job and general "employability" skills (such as timeliness and conscientiousness), youth apprenticeships aim to enhance academic learning and foster positive attitudes toward work. These programs can originate in 10th grade or earlier with career exploration activities. The apprenticeships often start during the last two years of high school and integrate academic instruction with work-based learning and work experience on the job, under the guidance of adult mentors. Students often rotate from job to job at the work site to obtain a broad view of related occupations and skills. Program completers might proceed directly into the workforce, to postsecondary education, or even to "adult" apprenticeship programs.

Potential issues for creating a youth apprenticeship program include whether to authorize youth apprenticeships as part of existing programs such as Tech-Prep or create a new, separate Federal initiative. One advantage of attaching youth apprenticeships to existing programs is the possible reduction of overlap. One advantage of a separate program is the potential for higher visibility. A second issue is whether to authorize national demonstration and planning grants, research, and other initial activities prior to creating a national youth apprenticeship system, or to immediately authorize such as system. One advantage of the more incremental approach is the possibility that the design of a national system can draw from the experience of demonstration programs and research. One advantage of moving directly to a national system is that it avoids the pitfall of many demonstration programs; frequently, demonstrations simply end when Federal funding ends.

## Choice

School choice has been one of the most controversial reform strategies debated at the Federal level. Although choice programs involving only public schools generated

substantial opposition in the 102nd Congress, perhaps the strongest opposition was directed to choice proposals, such as President Bush's AMERICA 2000 legislation, that would have included private, sectarian schools. The Senate passed a version of S. 2 that supported public school choice, after rejecting an effort to include private schools. The House version of S. 2 had no reference to school choice, although the House Education and Labor Committee earlier reported a reform bill (H.R. 3320) that would have permitted the use of Federal funds by LEAs for choice programs to the extent allowed by State law and constitution. The conference version of S. 2 did not include any choice provisions. As has been noted above, that legislation was not enacted.

Supporters assert that choice empowers parents and involves them more in their children's education. Parents, by choosing one school over another, will be wielding a strong accountability weapon against inferior schools. Proponents argue that choice enhances equity by enabling parents with limited resources to select good schools for their children, an option open now only to parents financially able to pay private school tuition and fees or to move into another school district or attendance area.

Choice programs limited to public schools appear to have a broader base of support nationwide and in the Congress than do programs open to private school enrollment. Proponents of the latter contend that it is only fair for choice participants to have access to private schools, because families with sufficient resources have private education as an option. Further, proponents assert that private schools are more effective educationally, and the availability of a private school option would provide greater competition for ineffective public schools. They also argue that including private schools does not violate the U.S. Constitution because such a program would not support enrollment at **only** private, sectarian schools, and would provide financial support to parents for the benefit of their children, not for the benefit of sectarian institutions.

Opponents focus on the threat to educational equity posed by choice. They argue that greater segregation of pupils by race, ethnicity, and socioeconomic status is likely to arise because choice programs generally do not provide the required attention to, and financing of, information dissemination, transportation, and monitoring of the effects of choice. Concern is raised about the consequences for students left in failing schools, as the more active and informed parents choose to move their children from them. Opponents assert that attention to choice deflects resources from more fundamental issues such as school finance equity and improving the quality of all schools. Including private schools, according to opponents, will siphon resources from public schools. Further, they posit that such a program violates the establishment of religion clause of the First Amendment of the U.S. Constitution because it would support sectarian schools.

The ESEA now has limited provisions addressing school choice. Title III (described below) supports magnet schools for voluntary desegregation; and an unfunded section of Title IV authorizes support for magnet schools in LEAs with a high proportion of non-white pupil enrollment. Amendments might be offered in the 103rd Congress that would broaden the ESEA's support of school choice programs.

### Competitiveness

The implications of American educational performance for our Nation's international economic competitiveness has been an underlying theme of Federal education policy debates for several years. Many express concern that relatively low achievement level of American pupils compared to those of several other nations, especially in mathematics and science, is a major cause of our difficulties in international economic competition. In contrast, others argue that existing international achievement comparisons are not valid or significant, and our economic problems result primarily from strategic decisions by American business and political leaders, and changing global conditions, not the educational performance of our students.

The achievement of American pupils has generally been below the average for developed nations on a variety of assessments. Our relative achievement is highest in reading, where it may exceed international averages, and lowest in mathematics. The achievement of American pupils is also generally lower for high school seniors than for younger pupils. Concern about such results has lead toward adoption of the 4th National Education Goal, that we should be "first in the world" in mathematics and science achievement, as well as many proposals to support programs of mathematics, science, or foreign language education, including the programs now in Title II of the ESEA. Proposals to increase the emphasis on instruction in "higher order skills" (e.g., problem-solving, analysis, synthesis, etc.), as opposed to such basic skills as simple computation, might also be offered in this context.

## Reauthorization Issues Regarding Specific ESEA Programs

The following sections of this issue brief provide short descriptions of the major individual ESEA programs, along with descriptions of primary issues likely to be addressed as these are reauthorized.

### Education for the Disadvantaged (ESEA Title I, Chapter 1)

The Chapter 1 program provides aid to LEAs for the education of disadvantaged children -- defined for Chapter 1 purposes as children whose educational achievement is below the level appropriate for their age, and who live in relatively low income areas. Chapter 1 supports remedial instruction for 5 million pupils at prekindergarten through senior high school levels, although most participants are in elementary and middle schools.

An underlying theme of recent and proposed amendments to Chapter 1 is that the program has positive yet limited average effects on the achievement of disadvantaged children, as measured by currently common assessment instruments, with significant variation in program effects in different locations. As a result, a major concern is how to identify key elements of especially effective programs, disseminate information about them, and provide additional incentives to adopt more effective policies and practices.

The Chapter 1 allocation formula has long been a focus of Congressional interest and debate. Grants are made primarily on the basis of counts of children from poor families plus the State average per pupil expenditure for public elementary and secondary education. Scheduled application of 1990 Census data to Chapter 1 grants for 1993-94 will lead to large shifts among States and regions in allocation shares.

Interest in formula modifications has centered on not only the new Census data and possible means of updating it more frequently, but also the extent to which funds are targeted on areas of greatest need, possible addition of fiscal capacity or effort factors, and the current formula cost factor.

Debate over Chapter 1 reauthorization is also likely to focus on the most efficient methods to regulate local projects, assuring accountability while providing flexibility to grantees to implement effective programs (see earlier discussion of this topic). The program improvement requirements adopted in 1988, as well as the role of testing in Chapter 1, will be closely scrutinized. New legislation might provide limited authority to offer regulatory waivers in return for increased accountability in terms of pupil outcomes, rather than the traditional regulation via specified procedures. The adequacy of Chapter 1 provisions for technical assistance and research will also be considered.

In the process of reauthorizing Chapter 1, the Congress will consider ways in which parental involvement in the education of disadvantaged children can be enhanced without adopting burdensome requirements; and how to assure equitable treatment of pupils attending private schools without violating constitutional prohibitions or policy concerns regarding public subsidy of private schools.

There might also be interest in revising some of the smaller programs also authorized under Chapter 1; e.g., possibly expanding the Even Start program (part B) of joint preschool services to young disadvantaged children plus basic and parenting skills education for their parents; increasing the coordination between the Chapter 1 State agency program for the handicapped (part D-2) with the Individuals with Disabilities Education Act; or amending the State agency program for migrant pupils (part D-1) in response to the report of a National Commission on Migrant Education.

## Block Grant (ESEA Title I, Chapter 2)

Chapter 2 of Title I of ESEA authorizes formula grants to the States, in proportion to school age population but with a relatively high (0.5%) State minimum. Each State may retain up to 20% of its grant for administrative activities, technical assistance, and effective schools programs. Each State must in turn allocate at least 80% of its grant to local educational agencies, based on local enrollment with adjustments for the enrollment of children whose education imposes higher than average educational costs. Local uses of funds are targeted on a wide variety of specified activities that include the following: dropout prevention programs; acquisition of instructional and educational materials, including computer software and hardware for instructional use; innovative and effective schools programs; training and professional development; student achievement and excellence; programs for students with reading problems; and other innovative projects, such as gifted and talented students, technology education, early childhood education, community education, and youth suicide prevention programs.

Chapter 2 issues include the degree and direction of targeting of funds and reporting requirements. Some have suggested that Chapter 2 funds be focused on support of LEA- and State-wide systemic reform, as described above. The Bush Administration proposed a 50% reservation for State activities, with a focus on major reform and improvement programs; funds at the local level could be used to promote parental choice school programs. The Congress did not enact these changes. The 1988

Amendments required the Secretary to provide a national review of uses of Chapter 2 funds and the effectiveness of its programs in a report to the Congress by October 1, 1992, and to conduct a national study of effective schools programs conducted under Chapter 2, including their impact on student achievement, attitudes, and graduation rates. The Secretary has not yet accomplished these tasks.

## Eisenhower Mathematics and Science Education Act (ESEA Title II, Part A)

The Eisenhower Mathematics and Science Education Act provides substantial support for inservice training of elementary and secondary school teachers who teach math and science. Funds are allocated to the States under a formula that considers both overall school-age population and State shares of Chapter 1 basic grants, with a 0.5% State minimum. It also enables ED to fund projects in support of math and science education through a discretionary, national grant program. Among the national projects being supported is the National Clearinghouse for Science, Mathematics, and Technology Education Materials, which serves as a repository of math and science instructional materials and programs. The legislation also supports regional math and science education consortia that disseminate exemplary instructional materials and provide technical assistance.

Among the major issues for reauthorization are the following: Are Eisenhower State grant funds distributed too broadly, reducing their overall impact? Should State grant funds be directed primarily to longer term, intensive teacher training, thereby implying a shift in the allocation away from LEAs to projects administered by higher education institutions? Should substantially more funds be authorized for discretionary activities by the Secretary of Education, permitting greater support for national reform efforts in this area? To what extent should Eisenhower national grant funds be focused on development of national curriculum standards and assessments?

## Magnet Schools Assistance (ESEA Title III)

The Magnet Schools Assistance program provides Federal competitive grants for magnet schools in LEAs implementing school desegregation plans. Magnet schools, by virtue of such characteristics as their location, curricular offerings, or educational philosophy, seek to attract, on a voluntary basis, a racially and ethnically heterogeneous student population. Such schools have become key components in school desegregation plans across the country. The program has two purposes: reducing the isolation of minority group students, and strengthening magnet school students' academic and vocational skills. In FY1993, the program will support approximately 64 school districts in the first year of a two-year cycle of grants. A multi-year study of magnet schools is currently being supported by ED.

The reauthorization of this program is likely to raise such questions as the following: Are magnet schools, including those assisted by this program, effective in accomplishing school desegregation objectives? Do recent changes in the administration of this program proposed by ED adequately address LEA-level concern that the program has been too inflexible in requiring school-by-school reduction in minority isolation? Should this program be focused more on educational improvement than desegregation?

## Drug and Alcohol Abuse Education (ESEA Title V)

One of the fastest growing ESEA programs since the 1988 ESEA amendments is the Drug-Free Schools and Communities Act (DFSCA),Title V. Funds are allocated to the States under a formula that considers both overall school-age population and State shares of Chapter 1 basic grants, with a 0.5% State minimum. This program supports drug and alcohol abuse prevention education activities at the national, State and local levels. Specific activities include development of instructional materials, staff training, counselling and referral services, technical assistance, emergency grants to LEAs with especially significant needs for assistance, development of drug free school zones, plus support of and dissemination of information about innovative programs. A large majority of LEAs participate in DFSCA programs.

A major issue that may be considered in the reauthorization of this program is the effectiveness of this or any other approach based on prevention education in reducing the extent of drug abuse activity, or whether such activity will fluctuate primarily in response to conditions outside the control of school systems, such as law enforcement effectiveness or treatment of identified drug abusers. Other possible issues include the related question of whether the program has been sufficiently evaluated to determine its effects; and whether funds should be targeted on high need LEAs and schools, versus the currently widespread participation by LEAs.

## Bilingual Education (ESEA Title VII)

The Bilingual Education Act (BEA) is the Federal program specifically intended to help LEP children to learn English. The BEA funds three types of activities: (1) local programs of instruction; (2) research; and (3) teacher training. The largest BEA activity is the part A program of competitive grants to LEAs for the establishment and operation of bilingual education programs. There are six different types of part A projects. Three of these projects -- transitional, developmental, and special alternative -- fund the three different models of bilingual education typically found in classrooms. These models differ by the level of use of the LEP children's native language.

Among the issues Congress may consider during the reauthorization of the BEA are (1) whether part A funds should be allocated by formula rather than by competitive grants; (2) whether the cap on funding for special alternative instructional projects should be increased or removed (special alternative projects do not utilize the LEP children's native language); (3) how to improve coordination of part A projects with Chapter 1 compensatory education programs; (4) whether further Federal guidance to States is necessary on the definition of LEP; (5) what should be the BEA research agenda for the 1990s; and (6) how to improve the completion rate of BEA graduate fellowship recipients.

## Other ESEA Programs

Finally, the ESEA authorizes a number of smaller programs that are generally intended to support innovative instructional activities or help meet the needs of specific disadvantaged pupil groups. These programs include the following: aid to innovative foreign language instruction programs, which provides small grants by formula to every State; the Women's Educational Equity Act, which currently supports a clearinghouse on instructional materials; a gifted and talented education program, that supports

innovative programs especially focused on disadvantaged pupils; Ellender Fellowships, which help disadvantaged pupils and their teachers participate in Washington, D.C.-based programs on American government; an immigrant education program, providing aid to LEAs with especially large numbers of recent immigrant pupils; general aid to the Virgin Islands and teacher training in all of the territories; the Secretary's Fund for Innovation, that supports a variety of special projects ranging from technology and computer-based education to optional national examinations and alternative curriculum schools (the latter two of which have not yet been funded); and a dropout prevention program designed to support and evaluate innovative techniques for preventing pupils from dropping out of school or attracting dropouts to reenter.

Some non-ESEA programs were also authorized under the Hawkins-Stafford Act in 1988, including the Impact Aid programs, Indian education programs; FIRST; the Star Schools program of distance learning which uses technology to link pupils and instructors; and the Adult Education Act. None of these programs is discussed further in this issue brief.

## FOR ADDITIONAL READING

*Chapter 1 -- Education for Disadvantaged Children: Reauthorization Issues.* CRS Report for Congress 92-878 EPW, by Wayne Riddle, Nov. 20, 1992. 67 p.

*The Distribution Among the States of School-Age Children in Poor Families, 1990 Versus 1980: Implications for Chapter 1.* CRS Report for Congress No. 92-485 EPW, by Wayne Riddle, June 8, 1992. 6 p.

*Elementary and Secondary Education Act of 1965: FY 1993 Guide to Programs.* CRS Report for Congress No. 92-625 EPW, by Paul M. Irwin, updated November 25, 1992. 34 p.

*Elementary and Secondary Education Act of 1965: Reauthorization Fact Sheet.* CRS Report for Congress 92-840 EPW, by Paul M. Irwin and James B. Stedman, November 30, 1992. 2 p.

*Improving Precollege Mathematics and Science Achievement: Selected Policy Issues for the Federal Government.* CRS Report for Congress No. 92-606 EPW, by James B. Stedman, July 30, 1992. 6 p.

*National Education Goals and Federal Policy Issues: Action by the 102d Congress.* CRS Report for Congress 92-884 EPW, by James B. Stedman and Wayne Riddle, November 30, 1992. 21 p.

*Selected Reform Options for Federal Education Policies and the Elementary and Secondary Education Act.* General Distribution Memorandum, by the Education Section, October 23, 1992. 43 p.

*Urban Education: Proposals for Reform.* CRS Report for Congress No. 92-653 EPW, by Catherine Jovicich, August 12, 1992. 28 p.